

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1286

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AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 2-5-28.5-4, AS ADDED BY P.L.206-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Beginning in calendar year 2011 through calendar year 2015, the committee shall do the following:

- (1) Assess the condition of Indiana's transportation infrastructure in both the public and private sectors.
- (2) In connection with the Indiana department of transportation and other interested parties, project Indiana's transportation demands through 2035.
- (3) Determine whether Indiana's existing transportation infrastructure is capable of meeting the transportation demands projected under subdivision (2).
- (4) Establish appropriate roles and responsibilities for:
  - (A) the state and county and municipal governments; and
  - (B) the private sector;in meeting Indiana's projected transportation demands.
- (5) Identify potential funding sources for both public and private transportation and infrastructure projects.
- (6) Report its findings to the governor and, in an electronic format under IC 5-14-6, the general assembly.

**(b) Beginning in calendar year 2014, the committee shall receive**

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**annual reports and related testimony from the following:**

- (1) The Indiana finance authority under IC 4-4-11-46.**
- (2) The Indiana department of transportation under IC 8-23-2-5.**
- (3) The bureau of motor vehicles under IC 9-14-2-1.**
- (4) Purdue University under IC 8-23-9-56 and IC 9-20-16-1.**

SECTION 2. IC 4-4-11-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 46. Not later than August 1 of each year, the public finance director shall prepare for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes the following:**

- (1) Updates on transportation projects in which the authority is involved, including public-private agreements under IC 8-15.5 or public-private partnerships under IC 8-15.7.**
- (2) Any other information requested by the joint study committee.**

SECTION 3. IC 8-23-2-5, AS AMENDED BY P.L.5-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) The department, through the commissioner or the commissioner's designee, shall:**

- (1) develop, continuously update, and implement:**

- (A) long range comprehensive transportation plans;**
- (B) work programs; and**
- (C) budgets;**

**to assure the orderly development and maintenance of an efficient statewide system of transportation;**

- (2) implement the policies, plans, and work programs adopted by the department;**
- (3) organize by creating, merging, or abolishing divisions;**
- (4) evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques;**
- (5) carry out public transportation responsibilities, including:**
  - (A) developing and recommending public transportation policies, plans, and work programs;**
  - (B) providing technical assistance and guidance in the area of public transportation to political subdivisions with public transportation responsibilities;**
  - (C) developing work programs for the utilization of federal mass transportation funds;**
  - (D) furnishing data from surveys, plans, specifications, and**



estimates required to qualify a state agency or political subdivision for federal mass transportation funds;

(E) conducting or participating in any public hearings to qualify urbanized areas for an allocation of federal mass transportation funding;

(F) serving, upon designation of the governor, as the state agency to receive and disburse any state or federal mass transportation funds that are not directly allocated to an urbanized area;

(G) entering into agreements with other states, regional agencies created in other states, and municipalities in other states for the purpose of improving public transportation service to the citizens; and

(H) developing and including in its own proposed transportation plan a specialized transportation services plan for the elderly and persons with disabilities;

(6) provide technical assistance to units of local government with road and street responsibilities;

(7) develop, undertake, and administer the program of research and extension required under IC 8-17-7;

(8) allow public testimony in accordance with section 17 of this chapter whenever the department holds a public hearing (as defined in section 17 of this chapter); and

(9) adopt rules under IC 4-22-2 to reasonably and cost effectively manage the right-of-way of the state highway system by establishing a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for an exchange of information among the department, utilities, and the department's highway construction contractors.

(b) Rules adopted under subsection (a)(9):

(1) shall not unreasonably affect the cost, or impair the safety or reliability, of a utility service; and

(2) must require a utility to provide information concerning all authorized representatives of the utility for purposes of highway improvement projects and improvement projects undertaken by local units of government.

(c) A civil action may be prosecuted by or against the department, a department highway construction contractor, or a utility to recover costs and expenses directly resulting from willful violation of the rules. Nothing in this section or in subsection (a)(9) shall be construed as granting authority to the department to adopt rules establishing fines, assessments, or other penalties for or against utilities or the



department's highway construction contractors.

(d) Based on information provided by utilities under rules described in subsection (b)(2), the department shall establish and publish on the department's Internet web site a searchable data base of authorized representatives of utilities for purposes of improvement projects that involve the relocation of utility facilities. A utility that provides information described in subsection (b)(2) shall:

- (1) update the information provided to the department on an annual basis; and
- (2) notify the department of any change in the information not more than thirty (30) days after the change occurs.

**(e) Not later than August 1 of each year, the department, through the commissioner or the commissioner's designee, shall prepare for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:**

- (1) Transportation and infrastructure funding.**
- (2) Public-private agreements under IC 8-15.5.**
- (3) Public-private partnerships under IC 8-15.7.**
- (4) Reports and supplements prepared under IC 8-23-12.**
- (5) Programs and projects conducted in cooperation with Purdue University under IC 8-23-9-56.**
- (6) Any other information requested by the joint study committee.**

SECTION 4. IC 8-23-9-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 56. (a) The department may cooperate with and assist Purdue University in developing the best methods of improving and maintaining the highways of the state and the respective counties. In so cooperating with Purdue University and for the purpose of developing and disseminating helpful information concerning road construction and improvement and the operation of the highways of the state and the counties, the department may expend money annually from the funds appropriated to the department's use for the use and benefit of Purdue University in carrying on programs of highway research and highway extension at or in connection with Purdue University and for the annual road school held at Purdue University. In addition, the money may be increased by federal funds, which may be made available to the department for the engineering and economic investigation of projects for future construction and for highway research necessary in connection therewith.

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(b) For the purpose of disseminating knowledge of the highway maintenance methods that are best suited to the various sections of Indiana, the county and state highway officials, in cooperation with Purdue University, may hold joint road meetings in the various sections of Indiana.

(c) The aid authorized by this section shall be paid quarterly by the department to Purdue University upon proper voucher.

**(d) Not later than August 1 of each year, a representative of Purdue University shall prepare, in cooperation with the department under IC 8-23-2-5(e)(5), for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:**

**(1) Programs or projects conducted under this section.**

**(2) Any other information requested by the joint study committee.**

SECTION 5. IC 9-14-2-1, AS AMENDED BY P.L.210-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The commissioner shall do the following:

(1) Administer and enforce:

(A) this title and other statutes concerning the bureau; and

(B) the policies and procedures of the bureau.

(2) Organize the bureau in the manner necessary to carry out the duties of the bureau.

(3) Submit budget proposals for the bureau to the budget director before September 1 of each year.

(4) Perform other duties as required by the bureau.

**(5) Not later than August 1 of each year, prepare for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:**

**(A) Significant policy changes, including changes in implementation.**

**(B) Contracts with third parties for performance of department responsibilities and functions.**

**(C) Projects or other undertakings required by law.**

**(D) Any other information requested by the joint study committee.**

SECTION 6. IC 9-20-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Before ~~January 2~~ **August 1** of each ~~odd-numbered~~ year, the Civil Engineering School at Purdue University shall report in an electronic format under



IC 5-14-6 to the ~~general assembly~~ **joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2** the results of a continuing study of the condition of Indiana's roads and streets as the condition may be affected by trucks and tractor-semitrailer combinations.

**SECTION 7. An emergency is declared for this act.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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